

PAULA T. DOW
ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street, 5th Floor
P.O. Box 45029
Newark, New Jersey 07101

RECEIVED and FILED by the
NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS
on this date of: 4-14-2010

By: Joanne Leone
Deputy Attorney General
(973) 648-2975

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF VETERINARY MEDICAL EXAMINERS

IN THE MATTER OF

BEVERLY DROZD, V.M.D.

TO PRACTICE VETERINARY MEDICINE
IN THE STATE OF NEW JERSEY

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Administrative Action

CONSENT ORDER

This matter was opened to the State Board of Veterinary Medical Examiners (the "Board") following the Board's review of a consumer complaint filed by C.H. against Beverly Drozd, V.M.D. ("Respondent"). The consumer complaint alleged that the Respondent engaged in negligence, professional misconduct, and failure to respond to an emergency in the treatment of the complainant's nine (9) year old dog, "Winston," in January 2010.

Winston was presented to Home Veterinary Service ("Hospital") on January 7, 2010 for the surgical removal of several fatty tumors. A four-pound tumor was removed from Winston's side, a

drain was placed, and Winston was admitted to the Hospital. When the owner called to check on Winston the next day, Respondent's day off, she was advised that Winston would not be discharged that day because he had a lot of bleeding overnight. Later that same day, the owner was told that Winston was in a lot of pain, was given pain medication, and that swelling had developed around the area where the four-pound lipoma had been removed.

On Saturday, January 9, 2010, Respondent spoke to the owner, in the morning and again at approximately 5:00 p.m. According to the complaint, Respondent advised the owner that Winston needed a blood transfusion because his gums were light in color, his blood count was low and his temperature was 101 degrees. Thereafter, the owner responded to the Hospital to transport Winston to another facility.

The owner arrived at Respondent's office at about 6:30 p.m. Respondent stated that Winston had eaten some food, which was a good sign, but that he might not survive a move to another facility. The owner then decided to leave Winston at the Hospital in Respondent's care, rather than risk moving Winston to another facility. Respondent declined the owner's request to remain with Winston overnight due to liability issues. The owner received a call from the Hospital Sunday morning advising that Winston had passed away from anemia.

In correspondence to the Board, Dr. Drozd maintains that the allegations are unfounded. According to Respondent, during a routine physical on January 2, 2010, she noted several lipomas which were large enough to warrant surgical removal. Respondent performed surgery on Winston on January 7, 2010, at which time she removed a four-pound lipoma located beneath the muscle layer on the right lateral trunk. Respondent noted no excessive blood loss and a Penrose drain was placed to allow for drainage. Two more smaller lipomas were then removed. There were no immediate post-surgical complications. Upon observation later that evening, it was noted that there was some swelling in the area left by removal of the large lipoma. Winston's mucus membranes were pink and a little cool to the touch, his CRT was prolonged, and there was minimal drainage from the Penrose drains. Intravenous fluids were started, a single intramuscular dose of dexamethasone was administered, and a compression wrap was placed over the surgery site. Winston responded quickly to the treatment.

Respondent was off the next day, Friday, January 8, 2010. According to the records, the veterinarian on duty administered pain medication when Winston demonstrated pain, IV fluids were continued, and the compression wrap was changed with minimal drainage.

On Saturday morning, Winston's gums were pink but slightly pale. He appeared quiet but comfortable and ate when hand fed.

Later, he started to breathe heavily; chest radiographs were performed, however they appeared normal, with normal heart size and no signs of edema. While moving Winston from the kennel area to the X-ray room, his mucus membrane color changed significantly; however, his color went back to normal within several minutes. A complete blood count was performed and indicated that his HCT had dropped to seventeen percent. While this was significantly lower than his pre-surgical values, according to Respondent, it was still above transfusion range. Respondent then called the owner and advised her of the complications. The owner responded to the Hospital at about 7:00 p.m. and visited with Winston for approximately twenty minutes. Respondent did not advise a transfer at that time because, although he was weakened, Winston was resting comfortably and his mucus membrane color was stable. When the owner was leaving, Respondent told her that "some things were out of our hands." Respondent left the office at about 10:00 p.m. Before leaving, Respondent checked Winston's temperature and gums and called the owner to report that they were appropriate. Winston died overnight.

The Board, following its review of the patient records and other relevant documents in this matter, has determined that Respondent should have strongly recommended a referral to a twenty-four hour critical care facility as soon as Winston exhibited post-operative complications that did not respond within twenty-four hours. The Board has also determined that Respondent

failed to provide critical care for this post-surgical patient, leaving Winston unattended for approximately eight hours each of his post-surgical days of admission at the Hospital. The Board has concluded, therefore, that Respondent has engaged in repeated acts of negligence, in violation of N.J.S.A. 45:1-21(d), due to the following: 1) failing to refer Winston to a twenty-four hour critical care facility on a timely basis; 2) discouraging the transfer of Winston to such facility despite the owner's request; 3) failing to identify significant post-surgical complications; 4) failing to provide critical care to a post-surgical patient for two eight hour periods.

The parties desiring to resolve this matter without the need for further disciplinary proceedings; and the Respondent acknowledging and not contesting the findings of the Board; and the Board having been satisfied that the within resolution adequately protects the public health, safety and welfare, and for good cause shown;

IT IS, THEREFORE, ON THIS 14TH DAY OF April, 2010

ORDERED THAT:

1. The Respondent, Beverly Drozd, V.M.D., shall cease and desist from any further violations of N.J.S.A. 45:1-21(d).

3. Dr. Drozd shall pay a civil penalty in the amount of \$5,000.00 for engaging in repeated acts of negligence, in violation of N.J.S.A. 45:1-21(d). Such penalty shall be paid by

certified check or money order made payable to the State of New Jersey and submitted to Leslie G. Aronson, Executive Director, State Board of Veterinary Medical Examiners, 124 Halsey Street, P.O. Box 45020, Newark, New Jersey 07101, simultaneously with the submission of this signed Order. Subsequent violations will subject respondent to enhanced penalties pursuant to N.J.S.A. 45:1-25.

4. Failure to comply with any of the provisions of this Order or to timely remit any and all payments required by this Order will result in the filing of a certificate of debt and may result in subsequent disciplinary proceedings for failure to comply with an Order of the Board.

NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS

By: Mark W. Logan VMD
MARK W. LOGAN, V.M.D.
President

I have read and understand
the within Consent Order and
agree to be bound by its terms.
Consent is hereby given to the
Board to enter this Order.

Beverly Drozd
BEVERLY DROZD, V.M.D.

DATED: 3/31/10